

Legislative Assembly, SESSION—1884.

[TWENTY-THIRD DAY.]

MONDAY, May 23.

House met at 1 P.M.

Minutes of previous meeting read and approved.

PETITIONS.

Mr. Kamakele presented a petition from Makawao, praying that teachers in common schools receive \$1 per day for each day's service. Laid on table until bill is introduced.

The Attorney-General presented a petition from several male Chinese residing in Honolulu praying that their prayer be heard by counsel in the House. Laid on table to be considered with the bill on that subject.

Mr. Nakaleka presented a petition from Molokai praying that letter boxes be placed at various points on the island of Molokai. Referred to the Committee on Internal Improvements.

Mr. Hitchcock presented a petition from Hilo, bearing 115 signatures praying that a hospital be erected in that district. Referred to the Sanitary Committee.

Mr. Palohau presented a petition from Kalawao bearing 200 signatures praying that the impression that leprosy is contagious be abolished; also that \$240,000 be appropriated by the Board of Health for the leper settlement; also that Drs. Fitch and Arnim state whether leprosy is contagious or not. Referred to Sanitary Committee.

Mr. Dole presented a petition from Mr. Jos. Lovell, of Nawiliwili, praying that he be awarded \$200 for some of his land that had been taken for a road by the Government. Referred to Committee on Public Lands, &c.

Mr. Hitchcock presented a petition that the Government introduce immigrants from India. Referred to Committee on Commerce.

Also, that a park be laid out at Hilo. Referred to Committee on Public Lands, &c.

Also, that an appropriation be made for laying water pipes in Hilo. Referred to same Committee.

Mr. Pilipo presented a petition bearing 90 signatures praying that the law authorizing an Auditor-General be repealed. Referred to Committee on Finance.

Also, that the law relating to intoxicating liquors be repealed. Referred to Committee of 13.

Also, that the law relating to the appropriation for the genealogy of Hawaiian chiefs be repealed. Referred to Committee on Judiciary.

Mr. Kaulukou presented a petition praying that \$5,000 be appropriated for improving roads at Manoa. Referred to Committee on Public Lands.

Also, that a law be passed for the sale of light liquors in Honolulu, and the license be placed at \$100. Referred to Committee on Commerce.

Mr. Kanealii presented a petition praying that all *konohiki* sea fisheries be thrown open. Laid on table.

Also, that the election districts at Wailuku be divided into different districts. Laid on table.

Mr. Nahinu presented a petition from South Kona that the bill for an \$8,000,000 loan be passed and that the act authorizing the Minister of Finance to negotiate a loan be repealed, that His Majesty negotiate all loans; that a treaty between Hawaii and China, and a treaty between Hawaii and Japan be concluded, that the law relating to the appointment of police justices be continued. Laid on table.

Mr. Kaula presented a petition from Koolau-poko praying that parents sending their children to English schools be exempt from paying tuition fees. Referred to Committee on Education.

Mr. Palohau presented a petition praying that all restrictions on the sale of intoxicating liquors be removed. Laid on table.

Mr. Gardner presented the following petitions from Hana, Maui, that \$18 be paid the Haiku mail carrier for each trip he makes; that \$10 be paid the mail carrier between Hana and Ulupalakua for each trip; that \$600 be appropriated for a boat landing at Hana; that two licenses be granted for the sale of awa, and that there be two representatives and additional police for the district of Hana. Laid on table.

Mr. Pilipo presented a petition from the district of North Kona, Hawaii, praying that \$800 be appropriated for a boat landing at Kailua.

Also that \$800 be appropriated for same purpose at Keauhou, and a similar sum in another place.

Also that \$1,800 for a court house and lock up. Referred to Committee on Public Lands.

Mr. Kaubane presented a petition from Honolulu praying that boarding schools for boys and girls be established throughout the Kingdom. Referred to Committee on Education.

Mr. Richardson presented a petition for Kaunapali praying that no change be made in the holding of the 2nd Judicial Circuit on Maui. Referred to Judiciary Committee.

Also that \$5 be paid Kalama for taking care of papers and letters. Referred to Finance Committee.

REPORTS OF STANDING COMMITTEES.

Mr. Pilipo reported the Auditor-General's report printed. Ordered to be distributed. The President stated to the Assembly that H. B. M's Commissioner had called on him, and acknowledged the respect shown by the House taking a recess on Saturday, Queen Victoria's birthday.

Mr. Cecil Brown gave notice of his intention to introduce a bill to amend Chapter 32 of the laws of 1882.

The Minister of Finance gave notice of his intention to introduce a bill to amend Section 1 of the Act relating to the coinage. On suspension of the rules the bill was read for the first time, and then a second time by its title and referred to the Special Committee on Currency.

Mr. Frank Brown moved that \$5 be refunded to one Maala who resides in the district of Waianae, on account of double taxation. Referred to Finance Committee.

Mr. Pilipo moved that whereas the Government had sent Commissioners to foreign countries, the Government state how much they cost, comprising the missions of Minister Kapena, Hon. G. W. Macfarlane, Colonel Laukea, and also the mission of Capt. Tripp.

Mr. Kaunamano moved that the Minister of the Interior instruct the Surveyor-General to enquire and report how many miles it would require of rail from Hamakua to Hilo. The Minister of Finance stated that Mr. Wilder had had the road surveyed and if he were here he would no doubt supply the information. Resolution laid on the table.

Mr. Dole stated that several days ago a resolution had been passed calling upon the Crown Land Commissioners to state to the House the amount of income received from the Crown Lands. The time allotted in which to make the report had elapsed and he now asked for it.

Mr. Keau wished to know if this House had any authority to call for the receipts of the Crown Lands.

The Attorney-General said if the member for Lihue would withdraw his motion he would pour oil upon the troubled waters.

Mr. Smith—What kind of oil?

Mr. Gibson said he was desirous at all times to give every information. He had no desire to withhold anything, in whatever branch he might be engaged in. He read the resolution as presented by the Hon. Member from Lihue. He did not wish to be hypercritical, but he noted that the document was not dated. He did not know how it was in the original. He stated that though there were three Commissioners, only one had charge of the books; the others had no knowledge whatever in regard to these lands. He did not doubt that if the Crown Lands agent were present he would be willing to give all the information he possessed. He considered it was hardly fitting to call authoritatively for information on the subject. If the resolution were addressed to His Majesty he might instruct some one to give the information.

Mr. Dole said he wished to let the matter drop until the Crown Lands agent was present.

Mr. Richardson read for the first time a bill to repeal Article 44 of Chapter 16 of the Civil Code, relating to controversies of rights of ways and rights of water. Read a second time and referred to Judiciary Committee.

Mr. Godfrey Brown called attention to a resolution that had passed, calling upon the Auditor-General to state whether or not he had engaged in any profession during his tenure of office.

Mr. Walker said he did not know the object of the resolution except to ask whether he had perjured himself or not. The Act wisely provided that the incumbent of the Auditor-General's office should not be engaged in any profession. It was well known that he (Mr. W.) had not been engaged in active business for some years. Before taking office he had transferred his insurance business to other hands. He held certain Powers of Attorney which necessitated his signing certain documents. He denied most emphatically that he followed any profession.

Mr. Godfrey Brown said he was surprised at what had just been stated as the Finance Committee were in possession of documents to prove to the contrary.

The Attorney-General offered a resolution requesting His Majesty to order the Commissioners of Crown Lands to furnish the information desired by the member for Lihue.

Mr. Widemann said he was not in favor of the resolution.

Mr. Neumann said he voted against the original resolution not because it was wrong in itself but because it was improperly framed. There are three bodies in the Kingdom that cannot be called upon to communicate with the Legislature. The Cabinet Council could not be asked by the Legislature to give an account of its proceedings except by order of the King. Also the Privy Council, and he believed, the Crown Lands Commissioners held the same relation to that body.

Mr. Pilipo doubted the right of the Assembly to pass this resolution. He did not think it proper for the Attorney-General to bring in a resolution of this kind, that is to bring the King into direct contact with the Assembly.

Mr. Dole moved that the resolution be indefinitely postponed. He maintained that the Assembly could call upon the Crown Lands Commissioners to report of their do-

ings. He further stated that there was no officer in the kingdom except the King, that could not be called to account by the House. It had been said by some outside critics that this House was a mere formality and had no force, if they should fail to call upon officers to account for their doings, it would give some reason for such criticism.

Mr. Kaulukou and Mr. Cecil Brown were both of opinion that the House had no right to enquire about the income from the Crown Lands.

Mr. W. O. Smith favored the indefinite postponement of the resolution. In enquiring into the revenue of the Crown Lands they did not desire to show any disrespect to His Majesty. He (the King) received his support from two different sources, the Crown Lands revenue and the money voted by this Assembly. He did not think there was any disposition to curtail the revenue of His Majesty. If the Commissioners were receiving rents in advance or bonuses for leases, it was a direct wrong to the people. He did not doubt the Minister of Foreign Affairs when he said he did not know about the income, but that did not satisfy this Assembly.

Mr. Gibson said the member for Wailuku spoke as if there had been a manifest reluctance to give the desired information. It had been the practice for years for one of the Commissioners to keep the accounts, and the information sought could be given by that one only. He thought it very proper that the House should know, and had they waited until the Commissioner was in attendance they would get all the information they required.

The Attorney-General said he did not introduce the resolution for child's play; he knew his business too well for that. There had been no objection raised about the House asking the officers of the King to do something. The objection was to the manner in which that request had been made.

When told by the member for Lihue that he had not produced law to support his argument, it was because there was no law on the subject. There was no law that would hold councillors answerable for confidential transactions. But that did not do away with the right of the Assembly to look into everything for the good of the King and the commonwealth. He believed the members for Lihue and Wailuku (Messrs. Dole and Smith) purposely misunderstood the resolution. They had no right to ask for what they had without they had the consent of the King. The member for Lihue had read a law showing how the Crown Lands Commissioners were elected. They had been called upon to fill certain functions beyond that by the command of the King.

On the vote taken, the resolution was indefinitely postponed.

Mr. Kauhane gave notice of his intention to introduce a bill to amend Chapter 22 of the laws of 1882, relating to holding an additional term of the 3rd Judicial Circuit on the Island of Hawaii. Passed to second reading.

Mr. Keau was granted one week's leave of absence.

Mr. Dole moved that the House adjourn for one week.

Mr. Neumann moved that it adjourn for two weeks.

Mr. Kaulukou moved adjourn for five weeks.

Mr. Gibson said it would seem as though the members had met for play. The member for Lihue had expressed a hope that the session would be a short one. He moved the House adjourn till 10 o'clock to-morrow morning.

Mr. Godfrey Brown said the Finance Committee were delayed by the disgraceful state of the books in the Interior department.

After several members had spoken on the matter of adjournment, Mr. Kanealii said he hoped there would be no adjournment for a week. If the Finance Committee were doing their work faithfully, it was very strange that certain parts of their investigations found their way into the newspapers before the Assembly had got them. They were matters that ought to be kept strictly private. He had never known of statements to have been given to newspapers before.

Mr. Godfrey Brown denied that anything had been furnished to the papers.

Mr. Kanealii said it would look bad for the Committee if the statements already made public should turn out correct.

Finally the House adjourned at 4:30 P.M. until 1 P.M. on Tuesday.

[TWENTY-FOURTH DAY.]

TUESDAY, May 27th, 1884.

The House met at 1 P.M.
Minutes of previous meeting read and approved.

PETITIONS.

Mr. Kamakele presented a petition from Makawao, praying that no Crown Lands be leased to aliens, but only to subjects. Referred to Judiciary Committee.

Mr. Pilipo presented a petition from North Kona, praying that the House will examine carefully the contract between the Hawaiian Government and the parties who coined the Hawaiian dollars. Referred to the Finance Committee.

Also, a petition from North Kona, praying that all claims against the Government by outside people be carefully examined before being paid. Referred to Judiciary Committee.

Also, that two sums of \$2,500 each be appropriated for improving the roads in North Kona, between Huehue and Kailua, and also in other places.

Also, that the road tax be used specially for the roads in that district. Referred to Committee on Public Lands.

Mr. Palohau presented a petition from Waimea, Kauai, praying that no lepers be arrested or forwarded to Kalawao until the Legislature is over. Referred to the Sanitary Committee.

Mr. Kaunamano presented a petition from Hamakua praying that \$75,000 be appropriated for water purposes in that district. Referred to Committee on Public Lands, etc.

Mr. Pilipo presented a petition from North Kona, praying that there be a general reduction of salaries including His Majesty, Ministers, Judges, and several others. Laid on table.

Mr. Nahinu presented a petition from South Kona praying that all *kahunas* be allowed to practice without licenses. Referred to Sanitary Committee.

Mr. Pilipo presented a petition from North Kona praying that no Crown lands be sold or disposed of.

Also that no Government lands be sold to aliens, but if sold, it must be to subjects. Laid on table.

REPORT OF STANDING COMMITTEES.

Pilipo reported bill on trainways printed. Ordered to be distributed.

RESOLUTIONS.

Mr. Frank Brown moved that the Minister of the Interior be requested to furnish his report for the last biennial period to the Assembly.

Mr. Palohau pointed out that by Art. 44 of the Constitution it would be seen that the Minister of the Interior is not bound to present a report.

Mr. Aholo said it mattered little whether the House passed the resolution or not.

The motion was indefinitely postponed. The Minister of Foreign Affairs presented a report on the coinage in accordance with a resolution passed by the Assembly last week.

Mr. Dole asked what salary, if any, was paid to Mr. Spreckels for attending to this currency matter.

Mr. Gibson said he understood from Mr. Spreckels that he had a bill of charges to present which he would shortly be able to lay before the House. It included nine months interest on bullion, seigniorage of the United States, and insurance and freight to and fro.

Report received and laid on table.

Mr. Kaulukou gave notice and also read for the first time a bill relating to the granting of a license to Henry J. Nolte for the sale of light beers at the Casino, Kapiolani Park.

Mr. Isenberg moved it be referred to the Committee on Commerce. If this privilege were granted to one person, it would naturally be asked for by others.

Mr. Dole said he was very fond of Mr. Nolte and also of his coffee, but he did not endorse the bill just introduced.

Mr. Palohau was in favor of light beers being sold on all the islands. If people got accustomed to light beer at Kapiolani Park they would suffer when they went to Kauai.

Mr. Smith would like to know if application had been made to the King in Privy Council. He had heard from people who lived at Waikiki, that whereas they now live in peace and quietness, they fear that by granting such a license, their peace would be disturbed, more especially on Sundays.

Referred to select Committee having similar matters under consideration.

Mr. Martin gave notice of his intention to introduce a bill to amend Chapter 14 of the Session Laws of 1878 relating to desertions of husbands and wives.

Mr. Cecil Brown read for the first time a bill to amend Chapter 32 of the Session Laws of 1882 relating to the carrying of passengers and freight and the letting and hiring of vehicles in the district of Honolulu. Passed to second reading.

Mr. J. S. Walker rose to a point of privilege. He quoted from the PACIFIC COMMERCIAL ADVERTISER that part of the report of the proceedings relating directly to himself.

Mr. Godfrey Brown, Chairman of the Finance Committee probably had the documents referred to in his possession. When a member makes a statement questioning the credibility of another member of the House, he (Mr. W.) did not think it necessary to bring in a resolution calling upon him to produce those documents, but considered that a request from the President would be sufficient. He wanted the matter brought before the Assembly.

Mr. Godfrey Brown said the Finance Committee were in possession of evidence to substantiate his statement.

The President stated that in would be in order to bring it in.

The Attorney-General said that Mr. Walker had stated one thing, the Finance Committee had said another. If there was such evidence as alleged it ought to be produced now and not by and by. If proven, the Hon. Noble was unfit to sit here and it would be the duty of the Government to remove him. In the opinion of the Committee of Finance there may be sufficient evidence to do so, but in the opinion of the House there may not. When such an accusation as this is made, that the Hon. Noble lied, it was a matter for the House to decide upon

and not for the newspapers to comment upon in advance.

The motion to produce the evidence there and then was carried.

(Messrs. Godfrey Brown, Frank Brown, and W. O. Smith left the Assembly to go in search of the documents.)

Mr. Pilipo introduced a resolution calling upon the Minister of Finance to state whether the tax assessor of Honolulu had the power to engage police to assist in the collection of taxes not authorized by law.

A motion to lay the resolution on the table was carried.

Mr. Godfrey Brown returned and stated that he was ready to substantiate the statement he had made. He read several documents relating to the estate of J. G. Hayselden, deceased, signed by Mr. Walker as Executor and also as Auditor-General. He stated he had a great many more of a similar nature.

The Attorney-General asked if it depended on these papers that the statement, as reported, had been made.

Mr. G. Brown said he thought they were ample.

Mr. Walker stated that he accepted the trust referred to from a man on his dying bed and at his urgent request. All the transactions with the Hawaiian Government were made before he accepted that trust. He had collected money for the benefit of the widow and children. Before taking the trust he had taken the best legal advice in the country. What he had done had been done without any consideration whatever. He had merely acted as a friend. The contracts referred to had been made by Mr. Hayselden and not by him.

Mr. Smith said it seemed to him rather premature to bring this matter up now. There were further statements to make to the House in regard to contracts for which no bids had been asked. He submitted some matters which he considered showed the impropriety and direct violation of the law on the part of the Auditor-General. He recapitulated several contracts with regard to bridges. If the advice given to Mr. Walker went to the extent he had shown, it certainly was wrong.

Attorney-General Neumann moved that the explanation of Mr. Walker be accepted as satisfactory to the House.

He stated that acting in the capacity of executor to an estate was not engaging in any profession or business. If the statements made by the member for Kohala could be proven, the Auditor-General ought to be impeached at the bar of the House, and the member should not make statements for the benefit of the newspapers to the detriment of Mr. Walker. Let the Finance Committee come into the House and make their reports and not spread them about the city. It was unfair to the men accused and unfair to this House. He hoped the Assembly would look into this matter and consider the explanation given by Mr. Walker as satisfactory.

Mr. Cecil Brown said he was sorry he was not able to support the motion. He had transacted business with Mr. Walker himself. He submitted that the spirit of the law had been broken. He believed Mr. Walker had not received \$1 for his services as executor, but it was in direct conflict to the Act. It was impossible to hold two offices and give them both his strict attention. He did not believe the reports that the Finance Committee had been giving the results of their investigations to the press. If they had they ought to be censured. He would be one of the first to move a vote of censure. If it had not been for the evidence adduced that certain contracts had been sold at a profit, he would then be inclined to support the Attorney-General's motion.

Mr. Walker remarked that if the estate had met with a loss in the transaction, the last speaker would probably have agreed with the Attorney-General. It seemed to be an unfortunate thing for him (Mr. W.) that a profit had been made, though it was fortunate for the family. He desired the House to clearly understand that he had nothing to do with the contract between the Government and the deceased, or of the profits that accrued therefrom.

Mr. Dole said it was useless to talk about impeachment because the law provided a shorter method of settling the question. He quoted from the law. The Committee had given the Auditor-General an opportunity to explain certain things which they could not explain themselves, as a common act of courtesy. It was the proper thing to do under the circumstances. He quoted from the Bible about serving two masters, &c., which, he said, was the law of human nature. The Legislature of 1882 had recognised this law when they passed this Act. The Auditor-General cannot audit accounts if he has an outside interest in those accounts. In the matter of remuneration he was in the same position as the Justices of the Supreme Court. There had been a great deal of talk outside that the Act had accomplished nothing, and now they saw why it was so. The House was not going to endorse the acts of servants who had denied the conditions under which they serve. He could not support the resolution. The positions of executor and auditor-general were very hostile to each other. He (observing the Minister of Foreign Affairs about to rise) did not believe that all the eloquence this House could produce would make this